

Atty Dkt No. 2302-16095  
Dkt No. PP16095.002  
PATENT

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Date 3/5/02  
Signature Pat Simen

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

THUDIUM and SELBY

Serial No.: 09/977,066

Art Unit: Unassigned

Filing Date: October 12, 2001

Examiner: Unassigned

Title: CYTOMEGALOVIRUS INTRON A FRAGMENTS

## TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is an Information Disclosure Statement, including a Form PTO-1449 and copies of the cited references. It is believed that no fee is due.

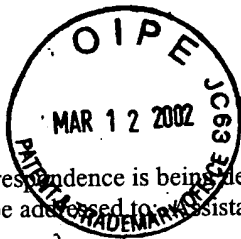
The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.

Respectfully submitted,

Date: 3/5/02

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**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The information listed below may be material to the examination of the above-identified application. Copies of the information and completed PTO-1449 forms are submitted herewith. We believe no fee is due. The Examiner is respectfully requested to make this information of official record in the application. The information includes:

United States Patent No. 5,688,688 issued November 18, 1997, to Luciw et al.;

United States Patent No. 5,739,018 issued April 14, 1998, to Miyanohara et al.;

Akrigg et al., "The Structure of the Major Immediate Early Gene of Human Cytomegalovirus Strain AD169," *Virus Research* 2:107-121 (1985);

Buchman et al., "Comparison of Intron-Dependent and Intron-Independent Gene Expression," *Molec. Cell. Biol.* 8:4395-4405 (1988);

Chapman et al., "Effect of Intron A From Human Cytomegalovirus (Towne) Immediate-Early Gene on Heterologous Expression in Mammalian Cells," *Nucleic Acids Research* 19:3979-3986 (1991);

Cullen B. R., "Connections Between the Processing and Nuclear Export of mRNA: Evidence for an Export License," *Proc. Natl. Acad. Sci. U.S.A.* 97(1):4-6 (1999);

Foecking and Hofstetter, "Powerful and Versatile Enhancer-Promoter Unit for Mammalian Expression Vectors," *Gene* 45:101-105 (1986);

Gorewit et al., "Growth Hormone Gene Expression in Myoepithelial Cells Directed by Various Eucaryotic Transcriptional Regulatory Sequences," *FEB* 225(1,2):238-242 (1987);

Luo et al., "Splicing is Required for Rapid and Efficient mRNA Export in Metazoans," *Proc. Natl. Acad. Sci. U.S.A.* 96(26):14937-14942 (1999);

Mosca et al., "Novel Induction by Herpes Simplex Virus of Hybrid Interferon Gene Transcripts Driven by the Strong Cytomegalovirus IE94 Promoter," *Journal of Virology* 61(3):819-828 (1987);

Nelson et al., "Negative and Positive Regulation by a Short Segment in the 5'-Flanking Region of the Human Cytomegalovirus Major Immediate-Early Gene," *Molecular and Cellular Biology* 7(11):4125-4129 (1997);

Pasleau et al., "Growth Hormone Gene-Expression in Eukaryotic Cells Directed by the Rous Sarcoma Virus Long Terminal Repeat or Cytomegalovirus Immediate-Early Promoter," *Gene* 38:227-232 (1985); and

Tevethia et al., "Participation of Two Human Cytomegalovirus Immediate Early Gene Regions in Transcriptional Activation of Adenovirus Promoters," *Virology* 161:276-285 (1987).

This Information Disclosure Statement under 37 CFR § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Respectfully submitted,

Date: 3/5/02

By: 

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